

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AVKO EDUCATIONAL RESEARCH
FOUNDATION, INC., et al.,

Plaintiffs,

Case Number 11-13381
Honorable Thomas L. Ludington

v.

THOMAS MORROW, et al.,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO QUASH SUBPOENA/DEPOSITION
OF THOMAS MORROW**

On January 9, 2012, counsel for Plaintiffs served Defendants with a subpoena duces tecum for Defendant Thomas Morrow to produce documents at a deposition scheduled for January 17, 2012, in Birch Run, Michigan. Counsel for Plaintiffs also noticed the deposition of Thomas Morrow, commencing at 9:30 a.m. on the same date at the same location. Defendants filed a motion to quash the subpoena and deposition on January 10, 2012 (ECF No. 55), notifying that Court that the deposition notice was issued without contacting defense counsel, without stipulation between the parties, and without leave of court in violation of Federal Rule of Civil Procedure 30. Defendants also argue that the deposition notice and subpoena are in violation of Federal Rule of Civil Procedure 45(c)(3) because it fails to allow a reasonable time to comply and subjects Morrow to an undue burden. The Court agrees that the deposition notice and subpoena violate the federal rules, and will grant Defendants' motion.

Accordingly, it is **ORDERED** that Defendants' motion to quash subpoena/deposition is (ECF No. 55) is **GRANTED**.

It is further **ORDERED** that Plaintiff's notice of deposition and subpoena duces tecum are **QUASHED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 13, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 13, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS